

REMARKS

Claims 1-74 are pending in the application. Claim 1 and 17-19 have been amended, and claims 71-74 are newly added. Further, claims 42-70 have been withdrawn pursuant to a restriction requirement. No new matter has been introduced by the amendment.

Rejection Under 35 U.S.C. §112, First and Second Paragraph

Claims 17-19 have been rejected for allegedly being vague with respect to the content of the claimed composition. This rejection is overcome in view of the amendment of claims 17-19 in which "antimicrobial agent" has been replaced by the term "Magnolia Bark Extract." These claims have been amended to maintain correspondence with the amendment of claim 1. The applicants respectively assert that claims 17-19 are definite with respect to the component concentrations of the composition recited in claim 1.

Rejection Under 35 U.S.C. §103(a)

Claims 1-41 have been rejected over Barkalow et al. in view of Nanba et al. and Scherl et al. These claims have also been rejected over Zyck in view of Nanba et al. and Scherl et al. This rejection is believed overcome in view of the amendment of claim 1 together with following remarks.

Claim 1 has been amended to recite that the composition provides a Magnolia Bark Extract concentration of greater than about 3.0 micrograms per milliliter of saliva in the oral cavity of a user. Pullulan-free edible films that provide such a concentration of Magnolia Bark Extract are not suggested or disclosed by the cited references taken alone or in combination. As set forth in the accompanying Declaration of Michael Dodds, experimental results show that Magnolia Bark Extract is particularly effective at killing bacteria in human saliva.

Claims 2-41 depend either directly or indirectly from claim 1. These claims recite further aspects of the claimed pullulan-free edible films and are allowable in view of their dependence from claim 1.

Double Patenting

Claims 1-41 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting. The applicants' previous Terminal Disclaimer was deemed insufficient in view of a typographical error with respect to one of the identified pending patent applications. This error has been corrected and this rejection is overcome in view of the accompanying Terminal Disclaimer together with the applicant's previous remarks with respect to Nanba and Scherl et al., which are incorporated by reference herein.

New Claims

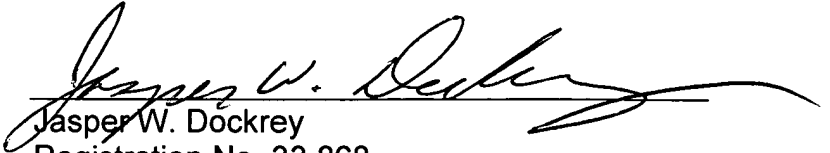
Claims 71-74 are newly added in order that the applicants can more fully claim the subject matter of their invention. Independent claim 71 recites a pullulan-free edible film composition having an effective amount of Magnolia Bark extract for reducing bacterial concentrations of *P. gingivalis* and *F. nucleatum* in the oral cavity of a user. The composition provides a concentration of greater than about 3.0 micrograms per milliliter of saliva in the oral cavity of the user. The applicants assert that the recited pullulan-free edible film composition is not suggested or not suggested or disclosed by the cited references taken alone or in combination.

As set forth in the accompanying Declaration of Michael Dodds, experimental results show that Magnolia Bark Extract is particularly effective at killing bacteria in human saliva and would be particularly effective at concentration levels greater than about 3.0 micrograms per milliliter of saliva.

Claims 72-74 depend from claim 71 and recite particular Magnolia Bark Extract concentration levels in the claimed pullulan-free film composition. These claims are allowable in view of their dependence from claim 71.

The applicants have made novel and non-obvious contribution to the art of edible film formulations. The claims at issue are distinguished over the cited references and are in condition for allowance. Accordingly, such allowance is now earnestly requested.

Respectfully submitted,


Jasper W. Dockrey
Registration No. 33,868
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200